REMARKS

The Examiner objected to claims 14, 29, and 41 for improper antecedent basis. In response, Applicant amended claims 14 and 41 to delete "second" from the claims, and amended claim 29 to replace "an ... communication" with "the ... communication." In addition, Applicant amended claims 4 and 10 to add an "and" after the penultimate step, claim 9 to remove "step (d)" from the preamble, claims 18, 19, 22, 45, 46, and 54 to correct antecedent issues in these claims, and claim 42 to spell out HDR (High Data Rate) the first time it appears in the claim set. No new matter is added.

The Examiner also rejected independent claims 1, 7, 12, 15, 21, 24, 32, 39, 43, and 53 under 35 U.S.C. §102(b) as anticipated by Willars (U.S. Patent No. 5,533,014). As discussed in the previous response, Willars describes a mobile terminal that switches frequencies within a single network/air interface to change between base stations. Specifically, Willars compresses information sent from the network in certain frames such that the information uses only a portion of the compressed frame. During the empty portions of the compressed frames ("idle portions"), the mobile terminal may change to a different frequency to perform strength measurements on signals received from the network (see column 5, lines 5 – 45). However, Willars only teaches changing frequencies in order to prepare for and/or execute handover between base stations in the same network using the same air interface. As such, Willars does not teach or suggest changing between two different types of communication networks that use different air interfaces.

Contrastingly, independent claim 1 claims a method for a dual-mode mobile terminal requiring "tuning the terminal to the HDR carrier ... [and] ... periodically tuning the terminal to the 1xRTT carrier for a limited time in order to check for incoming 1xRTT communications." Therefore, as argued in the previous response, the HDR carrier and the 1xRTT carrier are carriers for two completely different networks/air interfaces. In response, the Examiner asserted that this feature is not recited in claim 1, and therefore, cannot be considered as part of the

claimed invention. Applicant respectfully disagrees. One skilled in the art would appreciate that a 1xRTT carrier and an HDR carrier are, by definition, carriers in different networks that use different air interfaces. However, to facilitate prosecution, Applicant amends claim 1 to explicitly recite that the HDR and 1xRTT carriers are for an HDR and 1xRTT network, respectively. No new matter is added.

Because nothing in Willars teaches or suggests tuning the mobile terminal to one carrier in a first network to establish a packet data communication, and periodically tuning the mobile terminal to a different carrier in a different network for a limited time to check for incoming 1xRTT/all-service communications, Willars cannot anticipate claim 1 or its dependent claims 2 - 6. Further, because each of independent claims 7, 12, 15, 21, 24, 32, 39, 43, and 53 also explicitly require periodically tuning to different carriers in different networks, these independent claims and their respective dependent claims are also patentably distinct from Willars. In addition, because claims 1, 7, 12, 15, 24, 32, 39, and 43 are patentably distinct, the §103 rejection cited against dependent claims 2, 8, 13, 17, 25, 33, 40, and 44 is moot.

In view of the above remarks and the enclosed amendments, Applicant submits that claims 1 – 60 meet the §112, §102, and §103 requirements. As such, Applicant requests that the Examiner reconsider the rejections and allow the application to move forward to issuance.

Respectfully submitted,

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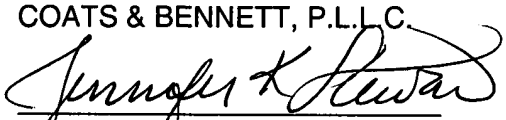

Dated: 31 August 2005

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